

UNITED STATES DISTRICT COURT**for the****Southern District of Texas**

Case No. _____

Wayne Smith*Plaintiff***-v-**David Hittner
and MTGLQ Investors, L.P.*Defendant(s)*Jury Trial Demand: ☒ Yes
Change of judge
Request**COMPLAINT FOR VIOLATION OF CIVIL RIGHTS**Respectably Submitted: **Wayne Smith, ProSe**
5723 Painted Trail Drive
Houston, Texas 77084Counsel For: Plaintiff- **Wayne Smith**

9/15/2021

Civil Rights - Google Docs

Parties To This Case**Plaintiff: Wayne Smith**

(Wayne Smith, Pro Se)
5723 Painted Trail Dr.
Houston, TX 77084
(713) 882-3081 - Telephone
Paulwayne777@gmail.com - Email

Defendants: Brandon Hakari
State Bar No. 24107552
McCarthy & Holthus, LLP
1255 West 15th Street, Suite 1060
Plano, TX 75075
(214) 291-3800 - Telephone
(214) 291-3801 - Facsimile
bhakari@mccarthyholthus.com

David Hittner

- Individual and Judge % UNITED STATES DISTRICT COURT
- 515 Rusk St.
- Houston, Texas 77002
- Harris County
- Phone 713-350-5500

Information and Location Note

**This Entire Complaint
Is Based On The Following
Cause Number (s)**

USDC No. 419-CV-1888

(5th Circuit 19-20665)

9/15/2021

Violation of civil rights - Google Docs

2-A. My Federal Constitutional or Statutory Right(s) could be violated in a foreclosure action by state or local officials if the Federal Court system is not held accountable for violating my civil rights accordingly.?

I am suing in accordance to the Constitution because my rights as a citizen and my rights to practice my religion, according to the Constitution have been violated / First Amendment, "Congress shall make no law respecting an establishment of religion, or **prohibiting the free exercise thereof.**"

- B. I am suing in accordance to the First amendment because my rights as a citizen and my rights to practice my religion. according to the Constitution have been violated./ First Amendment, "Congress shall make no law respecting an establishment of religion, or **prohibiting the free exercise thereof.**"

- C. In Federal Court each defendant acted under color of federal law since they would not allow my witness to speak or be recognized. as I explained in all my documents. What the judge and bank (attorney) did goes contrary to many laws, ordinances, etc which have been enacted as well as my civil rights to practice my religion by having at least two witnesses.

III..Statement of Claim :

Given in the confinement of, Federal Rule Civil Procedure 12 (b) (e)/ Subdivision (e)

Examples of witnesses: 1- What does a Notary Signing Agent do if a signature **requires** witnessing? ...

All five states except Georgia **require two witnesses.** 2- Constitution/Clause one-No Person shall be

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Violation of civil rights - Google Docs

convicted of Treason unless on the testimony of two Witnesses, 3. My religion teachings-2 Cor. 13:1 In the mouth of two or three witnesses shall every word be established,4-1 **John 5:8 three witnesses (water, blood, and Spirit)** however, my main witness, the Federal system denied my religious rights to allow my witness in, which are word(s) of Federal law giving a witness as to truth as to who really owns my property.. Judges do have discretionary rights however they can not operate outside of the law.

A. Where did the events giving rise to your claim(s) occur?

The entire Complaint time period in that Judge to the best of my knowledge only responded the defendant's pleas and not my presentations of law(s) heavily depriving me of equal rights under the law..

B. What date and approximate time did the events giving rise to your claim(s) occur?

Entire Time period. Ignoring Federal laws.

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Civil Rights Action last pages - Google Docs

The legal time element of exchanging documents started in May of 2019 wherein all communications through time period from the defendant attorney and from the court would never mention or consider any Federal laws (my witness/display of Federal laws) which even became more apparent when Judge accepted all State/County presented by the defendant's attorney showing him high favor however never even mentioning my important displays of the law which he is sworn into to uphold..

C. Other Facts requested.

My statement of claim was by law and my one desire has always been to establish by both State/Federal laws that I am the only (truefull by Federal law) owner of property since I can prove this by Federal laws which the judge will not allow me to present (My equal rights under Constitutional law have been badly violated). The facts as I also related over and over is all my efforts to use Federal laws were totally ignored.

These facts undermined my ability to defend myself with Federal laws which may favor me. My claim is that discrimination takes many forms however to remain silent allowing individuals to lose homes, etc by neglecting laws that may or may not rule in their favor is unlawful.

IV. Injuries

During this total descrimination time period from the above starting date to today's date hereof, Plaintiff continued to report and indicate in all his legal correspondant the need to consider Federal law and Judge/Defendant continued the abuse, The Plaintiff needed the protection of all laws he could find for his case (State/County and Federal) and the court ignored his need decriminating against him since the witness of the law he sought was not allowed. The Plaintiff was denied proper legal help from the court to establish the truth.

V. The Judge deprived Plaintiff of necessary and adequate true interpretation of the law thus endangering the Plaintiff's health and well-being causing mental anquish since he and his wife(in their 70/80's) could lose their homestead home of 20 years (knowing the bank does not hold ownership which he believes he can prove by Federal law but the Federal court will not allow their own Federal laws in order to only favor State/County laws which the bank win by only presenting these since they do not want Federal law otherwise I believe I can prove they would lose case? Such acts and omissions of the Defendant violate rights secured to the Plaintiff

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under the First Amendments to the United States Constitution and from the Plaintiff's understanding should be held liable to the Plaintiff for all damages incurred as noted below.

VI. The Defendant(s) with knowledge of Plaintiff's legal needs, and/or with deliberate indifference to such legal needs, have acted or failed to act in such manner as to prevent Plaintiff from obtaining needed legal care to present all laws as needed and/or to prevent needed legal care from reaching the Plaintiff thus endangering the Plaintiff's health and well-being to protect him from foreclosure (if proven by Federal laws which the defendant(s) attorney or judge with-held by ignoring the law) Such acts and omissions of the Defendant violate rights secured to the Plaintiff under the First Amendments to the United States Constitution.

The Plaintiff Wayne Smith has suffered heavy mental harassment since the parties seemingly will only allow their chosen one, the bank and their attorney to ride their bus whereas others don't even get to ride in the back since most (homeowners) get kicked out onto the street.

VII. Relief- JURY DEMAND, I first need a Jury even if I have to wait because of Importance of my case. This is third time I have asked for a Jury Demand and was denied so I again respectfully requests a jury trial on all issues of fact and law raised by my Complaint.

VIII.

PRAYER

WHEREFORE, Plaintiff prays for judgment against the Defendants and Defendant's co-conspirators as follows:

1. For an order declaring the alleged foreclosure prosecuted by Defendant, void and of no force and effect;
2. For quiet title as to the above referenced claims by Defendant;
3. For \$70,000.00 for the above referenced violations on my Civil Rights.
4. For attorney's fees and costs as provided by statute; and,
5. For such other relief as the Court deems just and proper.

VI. Certification, Verification and Closing

I, Wayne Smith acting as ProSe by signing below do swear and affirm that all statements made herein are true and accurate, in all respects, to the best of my knowledge. I further agree to provide the Clerk's Office with any changes to my address and to comply with Federal Rule of Civil Procedure 11.

Respectfully Submitted,

Wayne Smith

Wayne Smith

9-15-2021

Date of signing

9/15/2021

Certificate of Service - Google Docs

Certificate of Service (s)

I Wayne Smith, hereby certify that a true and correct copy of the enclosed and foregoing has (Brandon) been delivered to McCarthy-Holtz, 1255 W. 15th St, Plano, TX 75075 #1060
 On this the 16th Day of Sept. 2021, by certified Mail, Receipt No. and Postal. In accordance with there rules governing the same. 7016-3560-0001-1973-3835

Wayne Smith

5723 Painted Trail Drive
 Houston, Texas 77084

I Wayne Smith, hereby certify that a true and correct copy of the enclosed and foregoing has been delivered to David Hittner, 315 Buick St, Houston, TX 77002
 On this the 16th Day of Sept 2021, by certified Mail, Receipt No. and Postal. In accordance with there rules governing the same. 7021-0350-0002-1344-9188

Wayne Smith

5723 Painted Trail Drive
 Houston, Texas 77084

I Wayne Smith, hereby certify that a true and correct copy of the enclosed and foregoing has been delivered to _____
 On this the ____ Day of _____ 20____, by certified Mail, Receipt No. and Postal. In accordance with there rules governing the same. _____

 5723 Painted Trail Drive
 Houston, Texas 77084